



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Michael O. Leavitt
Governor
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Executive Director
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Division Director

May 5, 2003

CERTIFIED RETURN RECEIPT
7099 3400 0016 8896 2253

John Hewitt
Interstate Brick Company
9780 South 5200 West
West Jordan, Utah 84088

Re: **Division Directive, Interstate Brick Company, Snow White Mine, M/049/030, Utah County, Utah**

Dear Mr. Hewitt:

This letter is sent to formally notify you that your Snow White Mine (M/049/030) is not in compliance with sections of the Utah Mined Land Reclamation Act 40-8-1 et. seq. (Act) and the Minerals Reclamation Program Rules, sections R647-1 through R647-5.

On March 21, 2003, you called and notified us that the five-acre disturbed area limit for a small mining operation had been exceeded at the Snow White Mine. You requested an inspection to determine what would be required to permit this site as a large mining operation. On April 10, 2003, an inspection was performed at the mine site by Division staff (inspection memo attached). Based upon the results of the inspection, we determined that portions of the operation are not in compliance with the current small mining notice, the Utah Mined Land Reclamation Act and the Minerals Rules.

We appreciate your good faith effort in identifying and reporting the problem, and your willingness to bring the site into compliance. The following Directive outlines the required steps to correct the compliance concerns at the Snow White Mine and establishes specific timeframes to complete each step.

DIRECTIVE:

Interstate Brick Company is hereby directed to:

1. ***Immediately suspend all mining operations and removal of mined material*** from the Snow White Mine. This suspension will remain in effect until a transitional reclamation surety and transitional reclamation contract are received and accepted by this office.
2. Within thirty (30) days of your receipt of this Directive, Interstate Brick Company ***must submit a transitional reclamation surety in the amount of \$100,000.00 and a Transitional Reclamation Contract for the Snow White Mine.*** The surety amount is based on the current average reclamation cost of \$5,000.00 per acre for the estimated 20 acres of disturbance currently located

at the site. When the Large Mining Notice has been approved, the surety amount will be adjusted for site-specific conditions and reclamation practices. Please contact Joelle Burns at (801) 538-5291 for the appropriate surety forms.

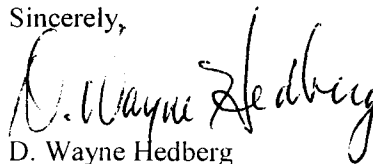
3. Within 60 days of receipt of this Directive, Interstate Brick Company shall submit a Notice of Intention to Commence Large Mining Operations for this mining project. The Notice must include at a minimum, the current surface disturbance as well as any proposed expansion of the project area that is anticipated for the next five-year period.
4. Interstate Brick Company shall not expand the operation beyond the current disturbed area, until a Notice of Intention to Commence Large Mining Operations, the final reclamation surety and reclamation contract are accepted and approved by the Division.
5. Within 30 days of receipt of this notice, Interstate Brick Company shall clearly mark the perimeter of the current disturbed area boundary with metal t-posts or other suitable markers.

Consequences of Continued Non-Compliance

Interstate Brick Company's failure to comply with these mitigation requirements within the time frames specified in this Notice may result in the issuance of a Notice of Non-Compliance, or a formal Notice of Agency Action. The Notice of Non-Compliance may require you to appear at an informal conference before the Division Director or his designee. A Notice of Agency Action could result in an informal hearing before the Division Director, or a formal hearing before the Board of Oil, Gas and Mining. Following public notice and hearing, the Division Director, or Board will issue an abatement or compliance Order which may require: suspension or termination of all mining operations, immediate reclamation of all mining-related disturbances, and/or other lawful requirements as authorized under the Act.

If you wish to appeal this Division Directive, please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice, to schedule an informal conference before the Division's Associate Director of Mining. If you have any questions regarding this Directive or the mitigation timeframes, please contact me at (801) 538-5286, or Lynn Kunzler at (801) 538-5310. Thank you for your cooperation and immediate attention to this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb

Attachments: Inspection Memo,

cc: Mary Ann Wright, Associate Director
Vickie Southwick, DOGM

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